

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7940 OF 2004

Bharat Gandhi .. Petitioner
Vs.
The State of Maharashtra & Ors. .. Respondents.

None for the petitioner.

Mr.Abhay Abhyankar with Mr.Kishore Dalal with
Mr.Surindra Chaturvedi i/b Chaturvedi &
Associates for respondent nos.3 to 12.

CORAM : D.B.BHOSALE, J.

DATED : 25TH FEBRUARY, 2005

P.C.:

. Heard Mr.Abhyankar, learned counsel for the
respondent nos.3 to 12.

2. None appears for the petitioner. This
petition is directed against the order dated
31.5.2004 passed by the Deputy Registrar,
Co-operative Societies, D/Ward, Mumbai in the
proceedings under section 78 of the Maharashtra
Co-operative Societies Act, 1960 (for short 'the
Act'). Mr.Abhyankar, learned counsel for respondent
nos.3 to 12 submitted that the order impugned in the
instant petition is appealable under section 152 of
the Act, and, therefore, he prayed for disposal of

this petition with liberty to the petitioner to file an appeal subject to their right of raising objection as to limitation. From the perusal of the impugned order as also of section 152 of the Act, it is clear that the petitioner has filed this petition without exhausting a remedy of appeal. Keeping that in view this petition is disposed of with liberty to the petitioner to file the appeal under section 152 of the Act.

(D.B.Bhosale, J.)